ORDINANCE NO. 2004 - 001

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **2003-0022 SCA (MILITARY TRAIL RESIDENTIAL)**; MODIFYING PAGE 77 OF THE FLUA BY CHANGING APPROXIMATELY 1.58 ACRES OF LAND GENERALLY LOCATED ON THE EAST SIDE OF MILITARY TRAIL APPROXIMATELY 0.22 MILES SOUTH OF LAKE WORTH ROAD, FROM COMMERCIAL HIGH (CH) WITH CROSS-HATCHING ON THE EASTERNMOST 75 FEET TO HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on May 9, 2003, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

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WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on January 8, 2004, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 77 is amended as follows:

Application No.: 2003-0022 SCA (MILITARY TRAIL RESIDENTIAL)

Amendment:	From Commercial High (CH) with cross-hatching on the easternmost 75 feet to High Residential, 8 units per acre;
General Location:	East of Military Trail, approximately 0.22 miles south of Lake Worth Road;
Size:	Approximately 1.58 acres;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provisions of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 8 day of January, 2004.

ATTEST:
DOROTHY H. WILKEN, Clerk

By: Linda C. Hartman
Deputy Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By
Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

Filed with the Department of State on the 15 day of January, 2004.

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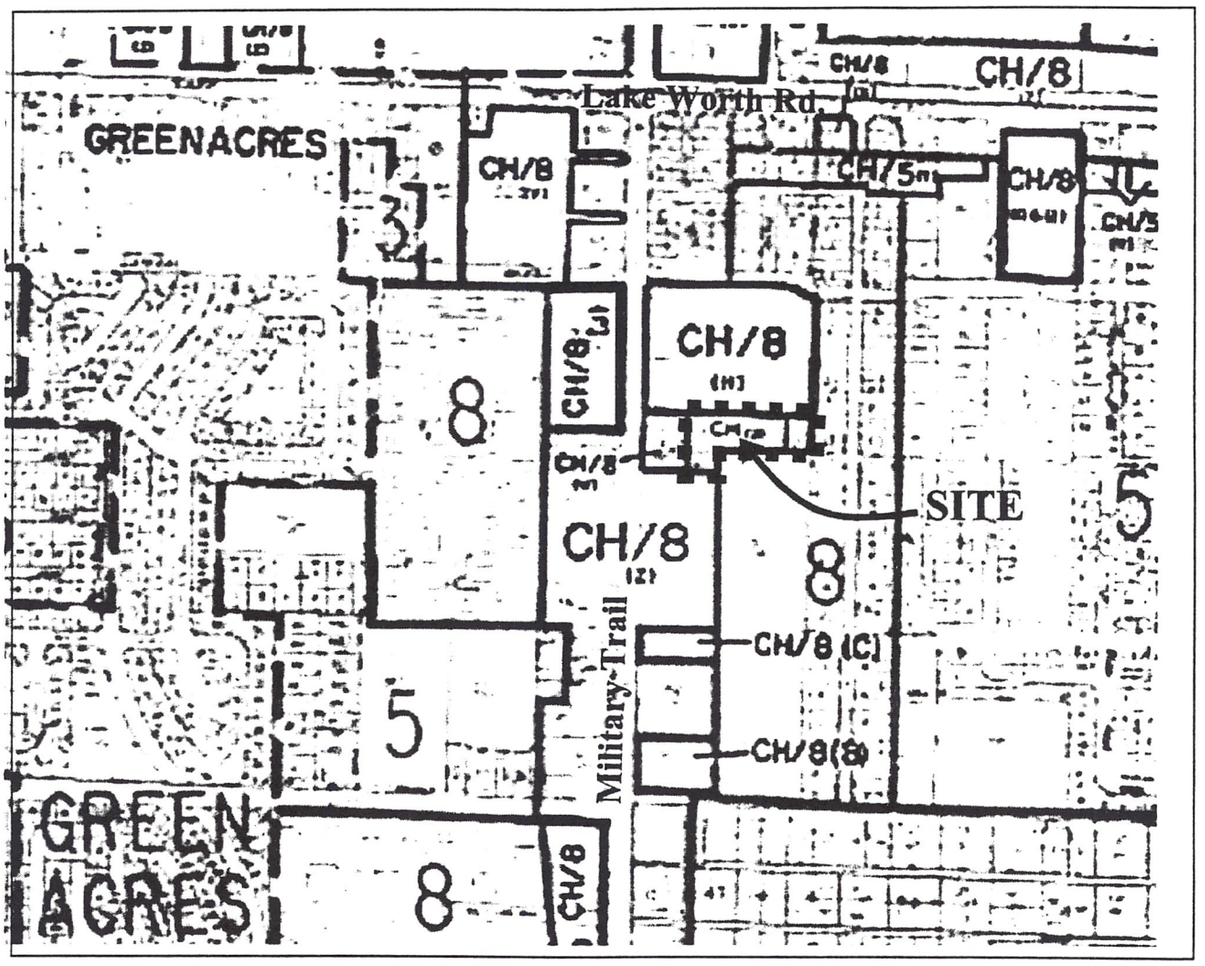
EXHIBIT 1

Amendment No.:	Military Trail Residential (2003-0022 SCA)
FLUA Page No.:	77
Amendment:	From Commercial High (CH) with cross-hatching on the easternmost 75' to High Residential, 8 units per acre (HR-8)
Location:	East of Military Trail, 0.22 miles south of Lake Worth Road.
Size:	Approximately 1.58 acres
Property No.:	00-42-44-25-00-000-1450 (a portion of a 2.23 acre parcel)
Legal Description:	See attached



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Legal Description:

PARCEL 1

THE SOUTH ONE ACRE OF THE SOUTH HALF (S ½) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (25/44/42), PALM BEACH COUNTY, FLORIDA. LESS THE WEST 40.00 FEET THEREOF.

PARCEL 2

THE NORTH ONE ACRE OF THE SOUTH TWO ACRES OF THE SOUTH HALF (S ½) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (25/44/42), PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST (NW) CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (25/44/42), PALM BEACH COUNTY, FLORIDA; THENCE NORTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 25, A DISTANCE OF 130.78 FEET TO A POINT; THENCE EAST ON AN ANGLE OF 91 DEGREES 10 MINUTES 55 SECONDS FROM NORTH THROUGH EAST, A DISTANCE OF 40 FEET TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (S.R. #809) AND THE POINT OF BEGINNING; THENCE CONTINUE EAST, A DISTANCE OF 626.20 FEET TO A POINT; THENCE SOUTH ON AN ANGLE FROM WEST THROUGH SOUTH, A DISTANCE OF 65.51 FEET TO A POINT; THENCE WEST, A DISTANCE OF 626.20 FEET TO A POINT IN THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL (S.R. #809); THENCE NORTH ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 65.40 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT FROM PARCELS 1 AND 2, ADDITIONAL RIGHT-OF-WAY FOR MILITARY TRAIL AS CONTAINED IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 5910, PAGE 1938, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 3

THE NORTH 63.00 FEET OF THE WEST HALF (W ½) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST (25/44/42), PALM BEACH COUNTY, FLORIDA. LESS THE WEST 53.00 FEET THEREOF.

LESS THE WEST 150.00 FEET OF THE ABOVE DESCRIBED PARCELS.

CONTAINING: 68,680 SQUARE FEET (1.577 ACRES) MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS-OF-WAY OF RECORD.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on January 8, 2004.
DATED at West Palm Beach, FL on 1/26/04.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.